THE HON'BLE MR. JUSTICE L. NARASIMHA REDDY

W.P.NO.23526 OF 2005

Dated 03-11-2005

Between:

D.Rajaiah, Karimnagar District

…Petitioner

And

The Regional Manager, A.P.S.R.T.C.

Karimnagar and another

…Respondents

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W.P.NO.23526 OF 2005

ORDER:

The petitioner is a Driver in the A.P.S.R.T.C. A charge-sheet was issued to him on 06-01-1003, alleging that he drove the Bus in a rash and negligent manner. After considering the explanation submitted by the petitioner, the 2nd respondent passed an order dated 21-03-2003, imposing the punishment of stoppage of two increments, with cumulative effect, and treating the period of suspension as not on duty, for all purposes. Aggrieved thereby, the petitioner preferred appeal before the Divisional Manager, and the same was dismissed on 06-10-2003.

Petitioner filed review before the 1st respondent, as provided for, under the service regulations. In his order dated 02-12-2003, the 1st respondent observed that the appeal is allowed. However, the punishment indicated in the operative portion of the order is the same, as the one imposed by the 2nd respondent. The petitioner challenges the same.

Heard the learned cousnel for the petitioner and learned Standing Counsel for the respondents.

There appears to be some communication gap, or inadvertant observation in the order dated 02-12-2003, passed by the 1st respondent. It was observed that the review of the petitioner is allowed on taking a lenient view, and on humanitarian grounds. While indicating the modified punishment, the 1st respondent did nothing, but repeated the punishment imposed by the 2nd respondent. This anomoly needs to be corrected.

For the foregoing reasons, the impugned order is set aside, and the matter is remanded to the 1st respondent for passing appppropriate orders. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.03-11-2005.

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